

COMMENTS

Claims 1-46, 48, 49, and 53-56 are now pending in the present application, Claims 27, 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 having been amended, and new Claims 53-56 having been added.

Applicants have resubmitted the amendments set forth in the April 29, 2003 amendment so as to include the correct status identifiers, i.e., Amended, Twice Amended, Four Times Amended. Additionally, Applicants have re-submitted the comments regarding the outstanding substantive rejections. Finally, Applicants have incorporated the specific items noted as missing in the August 11, 2003 Notice of Non-Responsiveness.

Supplemental Declaration Under 37 C.F.R. § 1.175

On May 13, 2003, Applicants filed a Supplemental Declaration in the present application. Thus, Applicants submit that the outstanding requirement for a supplemental declaration has been satisfied. Additionally, because the present Supplemental Amendment is being submitted only to comply with certain formal requirements, no further additional Supplemental Declaration is believed necessary. However, if the Examiner deems that a further Supplemental Declaration is necessary, Applicants will comply.

Original Patent is Forthcoming

At page 2 of the Office Action, the Examiner has indicated that the original patent, or an affidavit or declaration, must be received before the reissue application can be allowed. Thus, Applicants will file the original patent or an appropriate affidavit accordingly.

Claims 27, 28, and 46 are Not Obvious In View of Japan '767 and Otani et al.

Claims 27, 28, and 46 stand rejected as being obvious over Japan '767 in view of Otani et al. Applicants respectfully traverse this rejection. However, in order to expedite prosecution of the present reissue application, Applicants have amended Claim 27. Applicants expressly reserve the right to further prosecute the previously pending form of Claim 27 through continuation practice.

Japan '767 teaches a watercraft having a hull supporting an outboard motor. The powerhead of the outboard motor is contained within a small compartment on a lower surface of the hull. However, Japan '767 does not disclose details about the exhaust system of the outboard motor.

Otani et al. teaches an outboard motor having an exhaust manifold extending downwardly along one side of the engine. An expansion chamber is disposed below the engine. The expansion chamber straddles a plane extending through the crankshaft of the engine. However, Otani et al. does not teach an outboard motor having a crankshaft that extends horizontally.

In contrast, Claim 27 now recites the, among other features, "an engine body journaling an output shaft to rotate about a rotational axis along a longitudinal axis of the hull, the engine body having at least one cylinder which defines a cylinder axis and which contains a piston connected to the output shaft, at least one exhaust port provided on a first side of a plane which contains the cylinder and the rotational axis of the output shaft, the exhaust system including an expansion chamber having upstream and downstream ends and being furthest upstream of all expansion chambers in the exhaust system, at least a portion of the expansion chamber being positioned on and extending longitudinally along the second side of the plane, opposite the first side."

Both Japan '767 and Otani et al. teach outboard motors. No obvious combination of Japan '767 and Otani et al. could result in a watercraft having an engine with a horizontal output shaft. Thus, Claim 27 clearly and non-obviously defines over Japan '767 and Otani et al. Additionally, applicants submit that dependent Claim 28 and new dependent Claim 46 also define over the prior art, not only because they depend from Claim 27, but also on their own merit.

Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 are in Condition for Allowance

Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 have been amended into independent form, and not to narrow or affect the scope of these claims. Thus, since there are no outstanding rejections of these claims, except for the now moot rejection based on a defective Declaration, Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49 are now in condition for allowance. Additionally, Applicants submit that the remaining dependent claims depending from Claims 29, 30, 36, 37, 39, 40, 43-45, 48, or 49, are also allowable, not only because they depend from one of Claims 29, 30, 36, 37, 39, 40, 43-45, 48, and 49, but also on their own merit.

New Claims 53-56 Are Fully Supported By The Original Specification And Clearly And Non-Obviously Define Over The Prior Art

Applicants have added new Claims 53-56 which are fully supported by specification as originally filed. With regard to the subject matter of Claim 53, Applicants respectfully direct the Examiner to Figures 7 and 8 of the present application.

Figure 7 shows an intake manifold connected to the engine on one side of a cylinder bore 46. The exhaust system extends from the other side of the cylinder bore 46. Figure 8 shows that the exhaust system extends from the engine, first forwardly, then upwardly, then rearwardly toward the discharge. Figures 7 and 8 together show that the expansion chamber 109 is disposed on the same side of the cylinder bore 46 as the intake manifold.

With respect to Claim 54, Figure 7 shows that at least a portion of the expansion chamber 109 is disposed above the intake manifold.

With respect to Claim 55, Figures 5 and 6 show that the expansion chamber 109 is the furthest upstream expansion chamber in the exhaust system.

With respect to Claim 56, Figures 7 and 8 show that the portion of the expansion chamber extending along the second side of the plane recited in Claim 27, extends along a side of the engine body. Thus, Claims 53-56 do not constitute new matter.

With respect to the prior art of record, none of this prior art shows a watercraft having "an intake manifold mounted to the engine body on a first side of a plane which contains the cylinder axis and the rotational axis of the shaft, the exhaust system extending from the engine body, first forwardly, then upwardly and then rearwardly toward the exhaust discharge, the exhaust system also including expansion chamber, at least a portion of the expansion chamber being disposed in the rearwardly extending portion of the exhaust system and being disposed on the first side of the plane." Thus, Applicants submit that Claim 53 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claims 54-56 also define over the prior art of record, not only because they depend from Claim 53 or Claim 27, but also on their own merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: _____

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By: _____

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